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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,941	01/22/2004	Manfred Dworschak	HOE-796	5073
20028	7590	01/08/2008		
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER THALER, MICHAEL H	
			ART UNIT 3731	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,941	Applicant(s) DWORSCHAK ET AL.	
	Examiner Michael Thaler	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Nov. 16, 2007 has been entered.

Claims 1-11 and 13-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginn et al. (5,891,140) in view of Homann (6,367,155). Ginn et al. disclose a scissors comprising two branches 20, a cutting section 22 provided at a front end of each branch, a handle section 2 provided at a rear end of each branch, and a metal member 21 (which inherently is a foil due to its extreme thinness) extending at least at a cutting edge end of the inner surface as far as the cutting edge end, an edge 27 of the metal foil 21 forming the cutting edge (as seen in figures 4A-4C), wherein the metal foil has a thickness within the claimed range since it has a thickness as low as 0.01 inch (which is .254 mm) as indicated in col. 7, lines 46-51. As to claim 1, Ginn et al. disclose that metal foil 21 is bonded to cutting section (col. 7, lines 39-45) but fail to disclose that

they are adhesively bonded together using a separate adhesive material. However, Homann teaches that a metal blade of a scissors should be attached to the base cutting section by using a separate adhesive material (col. 2, line 67 to col. 3, line 3) apparently in order to obtain the advantage of providing a secure attachment of these parts. It would have been obvious to bond metal foil 21 to cutting section 22 of the Ginn et al. scissors using a separate adhesive material so that it too would have this advantage. As to claims 23 and 24, Ginn et al. fail to disclose teeth at the cutting edges. However, it is old and well known in this art to include teeth or serrations in the cutting edges of blade in order to obtain the advantage of improving the cutting action. It would have been obvious to make the cutting edges of the Ginn et al. blades serrated so that it too would have this advantage. As to claim 15, for example, Ginn et al. fail to disclose the specific attachment means between the metal foil and branch. However, it is old and well known in this art to use the claimed attachment means in order to obtain the advantage of providing a secure and strong connection between the parts. It would have been obvious to use the claimed attachment means in the Ginn et al. device so that it too would have this advantage. The above well known in the

art statements are taken to be admitted prior art because applicant failed to traverse the examiner's assertions (M.P.E.P. 2144.03). As to claim 33, Ginn et al. disclose that the branches may be made of any suitable material that has sufficient electrical resistance (col. 7, lines 39-45) but fail to disclose that they are comprised of a plastic material. However, Homann, in col. 3, lines 5-7, teaches that the branches of a scissors should be plastic (which has high electrical resistance) in order to obtain the advantage of permitting simple manufacturing thereof. It would have been obvious to make the cutting section 22 of the Ginn et al. branches of plastic so that it too would have this advantage.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's arguments with respect to claims 1-11 and 13-54 have been considered but are moot in view of the new ground(s) of rejection. As to the remarks in the paragraph bridging pages 11 and 12 of the response, silence as to the Examiner's remarks is not a proper traversal of the Examiner's assertions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael

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Thaler whose telephone number is (571) 272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

mht



MICHAEL THALER
PRIMARY EXAMINER
ART UNIT 3731